

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MOAEC, INC.,,

Plaintiff,

v.

PANDORA MEDIA, INC.,
J. RIVER INC., and NAPSTER, L.L.C.,

Defendants.

ORDER

07-cv-654-bbc

This is a civil lawsuit in which plaintiff MOAEC, Inc. alleges defendants are infringing several of plaintiff's patents. Only three of the original six remain as defendants: Pandora Media, J. River, Inc. and Napster L.L.C.; all other defendants have been dismissed. Currently before the court is defendants' motion for leave to file a response to plaintiff's claim construction (dkt. #135) and defendants' request for a court hearing, which it raised in its motion for claims construction (dkt. #120). Defendants' motion for leave to file a response will be granted to provide defendants an opportunity to respond to plaintiff's claim construction arguments. However, defendants' request for a court hearing to address the eleven disputed patent terms will be denied.

The four patents at issue in this lawsuit all pertain to music and media storing, organizing and retrieving. The parties request the construction of eleven claim terms. Defendants provide general reasons, found in most patent lawsuits, in support of their request for a court hearing on claim construction, such as the number of different patents and accused devices and a desire to place the patents in the context of the technology in which they are used. Defendants state that a hearing is “likely” to be helpful and plaintiff agrees, noting that a hearing “may” help the court in proper claim construction. However, the technology involved does not appear so complicated that written briefs cannot supply necessary explanations and interpretations. Neither do the claim terms at issues, such as “a storage device,” “storing compressed data,” category flags/category markers” and “database,” appear incomprehensible, which makes the explanations and interpretations provided in the written briefs and their accompanying documents satisfactory for proper construction. Therefore, no court hearing will be held; instead, the court will construe the claims at issue with the assistance of the parties’ written submissions.

ORDER

IT IS ORDERED that:

1. The motion to for leave to file a response to plaintiff’s claim construction (dkt. #135) filed by defendants Pandora Media, J. River, Inc. and Napster L.L.C. is GRANTED;

defendants response is to be filed and served no later than August 15, 2008.

2. Defendants' request for a court hearing on claim construction is DENIED.

Entered this 5th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge